

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL NO.

v.

*

SECTION:

ALBERT F. ANDRE, JR.

*

a/k/a BUDDY ANDRE

* * *

FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The defendant, **ALBERT F. ANDRE, JR. AKA BUDDY ANDRE (“ANDRE”)** has agreed to plead guilty as charged to the one-count Bill of Information charging him with violating Title 18, United States Code, Section 371 by conspiring to violate Title 18, United States Code, Sections 666(a)(1)(B) and (a)(2) as follows:

(1) by a person who was an agent of the State of Louisiana, by corruptly soliciting, demanding, accepting and agreeing to accept anything of value from any person, intending to be influenced and rewarded in connection with business, transaction and a series of transactions of the State of Louisiana involving anything of value of \$5,000 or more, namely the highway construction project on Interstate 10 in Jefferson Parish, Louisiana, and the approving or recommending the approval of invoices for pipe cleaning work allegedly performed on that project; and

(2) by corruptly giving, offering, and agreeing to give anything of value to any person, with the intent to influence and reward an agent of the State of Louisiana in connection with business, transactions and a series of transactions of the State of Louisiana involving anything of value of \$5,000 or more, namely, the highway construction project on Interstate 10 in Jefferson Parish, Louisiana, referred to above, and the approving or recommending the approval of invoices for pipe cleaning work performed on that project;

all in violation of Title 18, United States Code, Section 371.

An agent from the Federal Bureau of Investigation ("FBI") would testify that the State of Louisiana received federal financial assistance and benefits in excess of \$10,000 during the one-year period preceding September 30, 2008 and that the Department of Transportation and Development (DOTD) is an agency of the State of Louisiana. A representative of Boh Brothers Construction Company ("Boh Brothers") would testify that Boh Brothers was the prime contractor on a \$72 million project for construction and improvement of Interstate 10 in Jefferson Parish, 90% of which was financed by the U.S. government ("The I-10 Project"). The contract was being overseen by the DOTD.

ANDRE was employed by Boh Brothers for over 34 years and at the time he left the company in October 2008, he was employed as the general superintendent of the pipe department. **ANDRE** had known **JEFFERY MARTIN BENTLEY AKA JEFF BENTLEY**, an employee of the DOTD and the *de facto* project engineer of The I-10 Project since the 1970's. In August 2006, **ANDRE** received a call from **BENTLEY** who stated that pipes between the 17th Street Canal and Bonabel Boulevard needed to be cleaned immediately because a storm was approaching. **ANDRE** made contact with **HARRY JOSEPH LABICHE JR.**, owner of **LABICHE's** Plumbing and made arrangements for him to clean the pipes. On Saturday, August 5, 2006, **ANDRE** met **BENTLEY** near the merger of Interstate 10 and Interstate 610. Three workers from **LABICHE** Plumbing were also present. After **BENTLEY** and **ANDRE** showed the crew what work needed to be done, **ANDRE** left the job site. Later that day, he passed the work site and observed that the crew was working. The following Monday, he did not inspect the work. When **LABICHE's** bill for the pipe cleaning arrived at Boh Brothers, the project engineer asked **ANDRE** about the invoice amount, which was only slightly less than the amount Boh Brothers could invoice the DOTD for the pipe cleaning under its contract for The I-10 Project. Also, the bill showed separate charges for cleaning manhole covers and catch-basins which was an unusual billing practice. A week after the arrival of the bill, a meeting was held with several Boh Brothers employees, including **ANDRE**, as well as **LABICHE** present and a discussion was held concerning the bill.

In a different conversation **BENTLEY** spoke to **ANDRE** about inflating the bill for pipe cleaning so they could make some money for themselves. **BENTLEY** asked **ANDRE** if **LABICHE** was someone they could trust. **ANDRE** asked **BENTLEY** what he meant. **BENTLEY** indicated that pipe cleaning was something he could “throw” at **ANDRE** and **LABICHE**. **ANDRE** agreed. After agreeing with **BENTLEY** to use **LABICHE** to make money for themselves, **ANDRE** discussed with **LABICHE** inflating his invoices so that **LABICHE**, **ANDRE** and **BENTLEY** all made money.

LABICHE then rewrote his invoice for pipe cleaning on the weekend of August 5, 2006, with **ANDRE**’s assistance. He resubmitted the invoice to Boh Brothers and the invoice was paid in full. **LABICHE** subsequently called **ANDRE** and told him that he had something for **ANDRE**. **LABICHE** gave him a check for \$25,627 dated October 19, 2006, as a kickback for pipe cleaning. **ANDRE** cashed the check.

Another check dated December 27, 2006 in the amount of \$3,000 payable to **ANDRE** from **LABICHE** and bearing **ANDRE**’s endorsement and drivers license number would be offered into evidence. At the time the scheme came to light, **ANDRE** discussed with **LABICHE** the fact that he had received the check and asked if **LABICHE** could request a copy of the check from his bank.

ANDRE received the sum of \$28,627 in payments by check from **LABICHE**, representing a portion of the proceeds of the invoices submitted to Company A for alleged pipe cleaning on The I-10 Project. **BENTLEY** and **LABICHE** both would testify they paid **ANDRE** \$5,000 each, for a total of \$10,000, in cash representing part of the proceeds of pipe cleaning invoices. **ANDRE** acknowledges receiving only the sum of \$28,627 and maintains that he refused to participate in the conspiracy after December 2006, although he was solicited to continue his participation in the conspiracy by **BENTLEY**.

Bank records would be offered in evidence to show the financial transactions described above which involved checks.

EILEEN GLEASON
Assistant United States Attorney
LA Bar Roll No. 11976

Date

WARREN MONTGOMERY
Attorney for Defendant, Albert F. Andre, Jr.

Date

ALBERT F. ANDRE, JR.
Defendant

Date